

Hanover Borough Council Conditional Use Public Hearing, December 19, 2022

Vice-President Roland convened the public meeting of Hanover Borough Council for a Conditional Use Public Hearing on Monday, December 19, 2022 at 6:05 PM in the Hanover Borough Council Chamber, 44 Frederick Street, Hanover, PA, as advertised.

On roll call the following answered as present: Mrs. Funk, Mrs. C. Greenholt, Mr. G. Greenholt, Mr. Hegberg, Mr. Kress, Mr. Roland, and Dr. Rupp; Solicitor Shultis; Borough Administrator Hill; and Secretary Felix; Stenographer Zepp.

Vice-President Roland stated that this is the time set for a conditional use hearing regarding an application filed by Buck Stuckey for a Boarding House at property located at 223 Carlisle Street, Hanover Borough, York County, Pennsylvania. He stated that there will be a particular order for this hearing, copies of which are located near the door. Vice-President Roland turned the hearing over to the Solicitor.

Solicitor Shultis made the following statement:

As the Vice-Chairman indicated, we will be following a particular order for tonight's hearing. Because this is a legal proceeding, and so that everyone who wishes to participate may do so, it is important that we follow the procedures for the hearing as set forth in the outline.

If you are here tonight and want to provide public comment about the application you will be given a full opportunity to do so. If you want to participate as a party to the hearing you may:

- *Present your own evidence*
- *Call your own witnesses*
- *Be able to cross examine all of the witnesses*
- *And be subject to cross examination yourself*

*Then you will need to first establish that you have standing. A few words about parties and standing to participate as a party in this hearing: The Municipalities Planning Code (MPC) states that in addition to the applicant, parties to the hearing are the Borough and any person who is **affected** by the application in a substantial, direct and immediate way and who has made an appearance of record. As a party to the hearing, you have the right to present your own evidence as to the application (either through testimony of witnesses, exhibits or both). You have the right to cross examine all adverse witnesses and otherwise to fully participate in the hearing process. As a party you have the right to be represented by an attorney.*

In order to qualify as a party, you must be affected by the application. And so, what this means in basic terms, if your property abuts the property which is the subject of the application, (here if your property abuts 223 Carlisle Street), you would most likely qualify as a party. To be clear your property does not have to abut the subject property in order to qualify as a party. However, the further your property is from the subject property, the less likely you would qualify as a party.

In addition to location of your property address, a person seeking to become a party should be prepared to establish how they are affected by the application:

- *In what way does the application have an effect particular to your property interests as opposed to a general effect applicable to all citizens?*
- *In what way does the application cause a direct identifiable and concrete consequence to your property interests as opposed to an indirect and hypothetical consequence?*

- *In what way does the application have an immediate consequence to your property interests as opposed to a more remote consequence?*

In order to qualify as a party, we will follow a process:

- *First, we ask that you complete an entry of appearance form and bring it to me.*
- *Second, once I collect all of the forms, we will call upon each person individually to answer some questions relating to the qualifications. The applicant also has a right to ask questions.*
- *Third, after the questioning, the Borough Council will decide who has established party status and who has not.*

Solicitor Shultis asked if anyone present would like to submit public comment, and if anyone would like to become a party to the hearing.

There was no one seeking party status for this hearing. Solicitor Shultis stated that those who would like to comment can do so toward the end of the hearing.

Solicitor Shultis identified the Borough's administrative exhibits:

*Borough Exhibit 1 Application
Borough Exhibit 2 Proof of Publication
Borough Exhibit 3 Notice to Applicant
Borough Exhibit 4 Notice to Citizens
Borough Exhibit 5 Proof of Posting of the Property*

Attorney Minnich, Council for the applicant stated he had no objection to the exhibits.

Solicitor Shultis called Zoning Officer Christopher Miller to be questioned. Stenographer Zepp swore him in.

Mr. Miller stated that the application was submitted by Buck Stuckey on October 26, 2022. Borough Exhibit #5 are photos of the posting of the property on December 12, 2022.

There were no questions to Mr. Miller from the applicant.

Presentation of the applicant: Attorney Minnich stated that he is representing Mr. Stuckey this evening for the property located at 223 Carlisle Street for a boarding house which is permitted by conditional use. Mr. Stuckey, the applicant and the architect Jill Rohrbaugh are present to be questioned.

Mr. Stuckey was sworn in by Stenographer Zepp and when questioned by Mr. Minnich, he answered as follows:

- *Buck Stuckey is the owner of 223 Carlisle Street.*
- *Exhibit #1 are the photos of the front of the building. The second photo shows off-street parking and rear side of the building. The third photo shows more parking and rear of the building. The fourth photo shows additional parking and fire escape. The fifth photo shows off-street parking adjacent to the alleyway.*
- *The property comprises approximately 2/10 of an acre.*
- *The current use is a four (4) unit apartment building.*
- *The proposed use is a boarding house.*

- *Improvements will be new windows, HVAC, electric, new windows and doors and extension of side and rear into the off-street parking area, along with all code compliance.*
- *Eleven (11) units will be rentable.*
- *Exhibit #2 contains the plans prepared by Jill Rohrbauagh, architect.*
- *When asked to depict improvements that will be made to the property, Mr. Stuckey noted that each unit would be private furnished studio with private bathroom and common kitchen and laundry room. There will be twelve (12) off-street parking spaces.*
- *Mr. Stuckey owns and operates other residential properties in the Borough including a twenty-five (25) unit extended-stay hotel at the corner of Frederick Street and High Street; the former Chamber of Commerce building and the Tree of Life property on Railroad Street.*
- *Mr. Stuckey's proposed use will comply with criteria under the Zoning Ordinance as follows:*
 - *Min. 6,000 square feet*
 - *Maximum ten (10) rentable space and dwelling for owner/applicant*
 - *Each rentable space should be minimum one hundred fifty (150) SF*
 - *Maximum two (2) persons per unit*
 - *Boarding house shall meet all applicable building code requirements*
 - *Applicant shall include floor plan and site plan*
 - *Exterior signs are not permitted*
- *Mr. Stuckey's proposed use will comply with section 140-906 general criteria:*
 - *The proposed use shall not be in conflict with Borough ordinances or State & Federal laws.*
 - *The proposed use will be consistent with the adopted comprehensive plan.*
 - *The proposed use shall not significantly add to traffic hazards or congestion.*
 - *The proposed use shall not create public safety hazards.*
 - *The proposed use will not significantly impact the neighboring properties with detrimental noise, lighting or disturbances.*
 - *The proposed use will have adequate site design methods which will be harmonious and consistent with the environment of the neighborhood.*

Mr. Stuckey stated that he is comfortable that all criteria of the conditional use have been met.

Mr. Minnich asked for questions from Hanover Borough Council.

- *Dr. Rupp asked how Mr. Stuckey determined the need for another boarding house.*
- *Mr. Stuckey responded that he gets calls daily for boarding houses.*
- *Mr. Hegberg asked where the dumpster will be located.*
- *Mr. Stuckey stated that he is working with Public Works Director Grimm on the location of the dumpster and noted that he also owns the property to the rear.*
- *Mr. Hegberg commented that the ingress and egress looks tight on the parking area specifically referencing spot 11 in the Applicant's Exhibit #2 page 1.*

- *Mr. Stuckey responded that he believes there is no apparent difficulty with the parking area.*
- *Mrs. Funk referenced the access to the alley behind the building on Railroad Street, and stressed that the alley can't be used for parking as it is a public alley.*
- *Mr. Stuckey stated that the alley is not included in the site plan.*
- *Mrs. Funk questioned if there was a need for two (2) persons per unit.*
- *Mr. Stuckey stated he will only rent to one (1) resident per unit for this project. Two (2) persons is the Borough's maximum regulation, but Mr. Stuckey clarified that he will only rent to one (1) person per unit, not two (2).*
- *Mr. Kress asked about the size of the parking spaces.*
- *Ms. Rohrbaugh stated the parking spaces are nine by eighteen (9 x 18) feet.*
- *Dr. Rupp questioned if there will be an on-site property manager.*
- *Mr. Stuckey responded affirmatively, stating that there will be ten (10) boarding rooms plus one manager's apartment.*
- *Mrs. Funk asked if there will be stormwater issues and where the snow will be placed in the event of a snowstorm.*
- *Mr. Stuckey stated that he would like to place the snow in the vacant lot next to the railroad. He would be interested in purchasing this lot but it has not been posted for sale to his knowledge.*
- *Mr. Hegberg asked if the parking lot will be paved.*
- *Mr. Stuckey stated that he plans to pave the lot in the future, but not at this stage.*
- *Mrs. Funk asked how much land Mr. Stuckey owns for parking.*
- *Mr. Stuckey replied that the Tree of Life has no parking specifically for that building other than street parking.*
- *Mrs. Funk questioned why there is no dedicated parking for the personal care home.*
- *Mr. Stuckey replied that residents would not have cars, due to the availability of public transportation.*
- *Mr. Stuckey stated that the alley is not a through way. There is no reason for people to exit onto Carlisle Street. Mr. Stuckey stated that he owns the alley.*
- *Mr. Stuckey clarified that the existing alley belongs to the lot at 223 Carlisle Street.*
- *There was discussion led by Mrs. Funk regarding the location of neighboring alleyway(s).*
- *Mr. Stuckey stated that there will be no more connection to Carlisle Street on the alley adjacent to 223 Carlisle Street.*

Solicitor Shultis questioned Mr. Stuckey on specific criteria in the ordinance and he answered as follows:

- *The required minimum lot size is 6,000 SF. Mr. Buckey stated that his lot size is 7,928 SF.*
- *The maximum number is eleven (11) units.*
- *There will be ten (10) rentable spaces plus one manager or owner-occupant.*
- *The square footage of all units exceed 150 SF per unit.*
- *Each unit has its own bathroom.*
- *The square footage includes the bathroom.*
- *There will be only one occupant per unit, and Mr. Stuckey is willing to have this as a condition of approval.*
- *The boarding house has adequate kitchen facilities with one kitchen per floor.*
- *The provision of one (1) kitchen per floor was determined based on past experience. The kitchen also includes a laundry area.*
- *Mr. Hegberg asked about the proposed façade of the building, and Mr. Stuckey replied that this has not been determined but it will be siding or will be harmonious with the other structures in the area.*
- *The building coverage will be less than eight (80%) percent, but Mr. Stuckey stated he did not have the information on the actual percentage of building coverage this evening.*
- *The proposed use complies with the Borough's stormwater ordinance. The surface of the parking lot will remain gravel for the time being, but in the future when paving occurs, he will place a stormwater basin beneath it. Mr. Stuckey would like to acquire more property before paving the area.*
- *Parking spaces will be marked with line paint or changed to a marker system. The ADA space will be marked with a sign. An ADA ramp will be installed.*
- *When Mrs. Funk asked about fire safety, noting there is no access to Carlisle Street, Mr. Stuckey stated all buildings are sprinklered and linked to the fire department alarm system. Fire trucks could approach from Carlisle Street or Railroad Street.*
- *When Mr. Hegberg asked about conflict with utility manholes, Mr. Stuckey stated there were no conflicts with utilities to his knowledge.*

Mr. Minnich stated that he had no further questions for Mr. Stuckey.

Mr. Minnich called the architect, Ms. Jill Rohrbaugh to be questioned. She was sworn in by Stenographer Zepp.

- *Ms. Rohrbaugh stated her place of business is Architectural Workshop, 1 South Railroad Street.*

- *Ms. Rohrbaugh graduated from Penn State in 1981 and has lived in Hanover ever since.*
- *Mr. Rohrbaugh is familiar with Hanover Borough Codes, land use and land development in the area.*
- *Ms. Rohrbaugh was engaged by Mr. Stuckey to provide plans. She prepared Exhibit #2 and the preliminary fit test plans for the project.*
- *Plans were developed in conjunction with criteria for conditional use as under the zoning ordinance. The plans are compliant with general and specific use for conditionals uses as they apply and are compliant with all other Borough regulations. The property was surveyed by GHI Engineering and Surveyors. The land development process will have to be completed in addition to the approval of the conditional use.*
- *Ms. Rohrbaugh referenced the existing building on the plan and the proposed use on the plans, Exhibit #2, which shows proposed typical rooms and amenities. Ms. Rohrbaugh stated that Mr. Stuckey operates a higher quality housing business along with maintenance of same.*
- *When questioned on section 140-409 of the Zoning Ordinance, Boarding House criteria, Ms. Rohrbaugh stated that she believes the plans are in compliance with all criteria.*
- *The land development criteria and general criteria will be met, along with State and Federal regulations, referencing section 140-906 of the Zoning Ordinance.*
- *The property will be sprinklered and fire alarmed and will provide improvements for affordable housing.*

Solicitor Shultis asked for questions from Council to Ms. Rohrbaugh. Council had no questions for Ms. Rohrbaugh.

Ms. Rohrbaugh answered as follows when questioned by Solicitor Shultis:

- *Ms. Rohrbaugh described the proposed parking area on the plan and the traffic flow.*
- *The alleyway is ten (10') feet wide. All parking spaces are nine by eighteen (9 x 18) and the aisle width is twenty-five (25') feet. There will be a twenty-five (25') foot turning radius.*
- *Mr. Shultis noted that since the parking lot is currently gravel, it could be a requirement to have the parking lot paved, bricked or concreted as a condition of approval. Ms. Rohrbaugh stated that there is some paved area and concrete area there in addition to the gravel area.*
- *Mr. Kress questioned if there will be enough room to back out of the parking lot, noting that the neighboring property owner was concerned about the parking lot flow.*

The applicant's Exhibits #1 and #2 were admitted into the record.

Solicitor Shultis asked for public comment:

- Kathy Thomas, caseworker for Salvation Army: Ms. Thomas stated she has worked with Mr. Stuckey. She sees people every day that cannot afford to live where they are living and are facing eviction, etc. She has placed quite a few people in Mr. Stuckey's boarding houses. She was very impressed with the quality and cleanliness of his facilities. She feels there is a need for this type of housing in the community and stated her support of this project.
- Tom Whitman, Schmuck Lumber Company Owner: Mr. Whitman indicated his support for Mr. Stuckey's project, noting he has helped to redevelop the downtown area. There are a lot of changes happening and he supports the needs of the community. He offered his parking on the weekends to those visiting loved ones at the personal care home.

Mr. Minnich stated his support of Mr. Stuckey's projects which provide affordable housing, noting it is helpful to the community. This property will be in a superior condition compared to the existing condition of the property. All criteria have been met. The plans are not engineered to detail since tonight's issue requires approval to move forward. The land development plans will be forthcoming. Mr. Stucky will provide high quality housing to meet a very significant need in the community, and Mr. Minnich urged Council to approve/grant the conditional use.

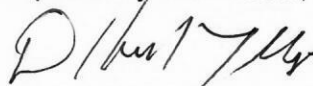
Solicitor Shultis stated that Council has forty-five (45) days to provide a decision. Solicitor Shultis asked for an executive session for Council to decide whether to provide a decision this evening.

Council Members and Solicitor Shultis left the meeting for an executive session at 7:24 PM and returned at 7:36 PM.

Shultis noted that Council met in executive session from 7:24 PM to 7:36 PM. Solicitor Shultis stated that a decisional hearing will be scheduled and advertised, and a notice will be sent to Mr. Stuckey.

It was moved by Mrs. Funk, seconded by Mrs. C. Greenholt to adjourn the public hearing at 7:37 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix
Borough Secretary